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18 Arizona Department of Education

19
20 **BEFORE THE ARIZONA**
21
22 **STATE BOARD OF EDUCATION**

23
24 **In the Matter of:**

25 **ROOSEVELT ELEMENTARY**
26 **SCHOOL DISTRICT NO. 66.**

Case No.: 2008-001

**PETITION FOR DETERMINATION
OF SYSTEMIC EDUCATIONAL
MISMANAGEMENT AND THE
APPOINTMENT OF A
SUPERINTENDENT TO THE
ROOSEVELT ELEMENTARY
SCHOOL DISTRICT**

Undersigned counsel, on behalf of the Superintendent of Public Instruction and the
Arizona Department of Education ("Petitioners"), brings this Petition requesting the

1 Determination of Systemic Educational Mismanagement and the Appointment of a
2 Superintendent to the Roosevelt Elementary School District No. 66 (the "District").
3 The inclusion within this Petition of specific instances of systemic educational
4 mismanagement does not constitute a limitation of the general allegations contained
5 herein. Moreover, the Petitioners do not waive the right to introduce relevant evidence
6 at hearing in support of the general allegations, regardless of whether or not they are
7 referred to in the more specific allegations. The Petitioners allege as follows:

8 **I. JURISDICTION**

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- 10 1. The Superintendent of Public Instruction and the Arizona Department of
11 Education ("ADE") bring this Petition before the Arizona State Board of
12 Education ("Board") in accordance with House Bill 2711, 2008 Arizona
13 Session Laws, Chapter 139, section 1 (codified at A.R.S. § 15-107(A) and
14 (B)).
 - 15 2. Pursuant to A.R.S. § 15-107(B), the Board has jurisdiction over this matter
16 to determine whether the District has systemic educational
17 mismanagement and whether to appoint a superintendent to the District.
18 2008 Ariz. Sess. Laws, Ch. 139, § 1.

19 **II. LEGAL AUTHORITY**

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- 21 3. Arizona Revised Statutes § 15-107(A), states that ADE shall investigate a
22 school district with six or more schools for systemic educational
23 mismanagement if 1) fifty percent or more of the schools in the school
24 district are designated as underperforming or failing to meet academic
25 standards pursuant to A.R.S. § 15-241; and 2) at least one school in the
26 school district has been designated as a school failing to meet academic
standards pursuant to A.R.S. § 15-241. 2008 Ariz. Sess. Laws, Ch. 139, §
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4. Arizona Revised Statutes § 15-107(B) states that if ADE determines that the above conditions are met, it shall notify the Board, which shall determine by a preponderance of the evidence that the school district has engaged in systemic educational mismanagement. 2008 Ariz. Sess. Laws, Ch. 139, § 1. Arizona Revised Statutes § 15-107(M)(2) defines “systemic educational mismanagement” as a school district’s failure to ensure that a school or schools within the district properly implemented their school improvement plan or plans as required in A.R.S. § 15-241. 2008 Ariz. Sess. Laws, Ch. 139, § 1.
5. Arizona Revised Statutes § 15-107(B) states that upon the Board finding that a school district has engaged in systemic educational mismanagement, ADE shall immediately recommend to the Board at least three persons to serve as the superintendent of the school district. 2008 Ariz. Sess. Laws, Ch. 139, § 1. The statute further states that the Board shall determine whether to appoint a superintendent and approve or deny ADE’s recommendation. A.R.S. § 15-107(B).

18 **III. BACKGROUND**

19 **School Funding and Accountability**

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6. The federal No Child Left Behind Act (“NCLB”) requires that all states test student progress in the classroom. 20 U.S.C. § 6311 *et seq.* As a condition precedent to receiving federal funding, each state is required to develop and implement state academic standards and an examination that accurately assesses those standards. *Id.*
7. NCLB requires the State of Arizona to test the academic standards in grades three through eight and in tenth grade. *Id.*

- 1 8. In addition to the federal mandates established by NCLB, the Arizona
2 Legislature has made the Board responsible for developing and adopting
3 state academic standards in the areas of reading, writing, mathematics,
4 science, and social studies for all Arizona students in public schools.
5 A.R.S. § 15-701.01(A).
- 6 9. The state academic standards are articulated by grade level and have been
7 created by hundreds of Arizona teachers from locations throughout the
8 state who represent the diverse student populations served by Arizona's
9 public schools.
- 10 10. Once adopted by the Board, ADE publishes the academic standards and
11 makes them available to Arizona's public schools. School districts are
12 given a one-year transition period to implement the new academic
13 standards, and they have two years before the standards are tested on the
14 Arizona Instrument to Measure Standards ("AIMS") examination.
- 15 11. Arizona law requires each school district's governing board to "[p]rescribe
16 curricula that include the academic standards. . . ." A.R.S. § 15-701(B)(1);
17 A.R.S. §15-701.01(B)(1).
- 18 12. Each school district is required to provide to ADE a written declaration
19 confirming the alignment of its curriculum to the state academic standards.
- 20 13. The AIMS examination is based on the state academic standards and
21 assesses whether students can demonstrate the skills and knowledge they
22 are expected to achieve under the state academic standards for their grade
23 level.
- 24 14. ADE provides teachers, administrators, students and their parents with
25 reports that show the students' individual strengths and weaknesses on the
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1 AIMS tested subjects. The reports allow students, parents and teachers to
2 target areas of improvement unique to each student.

3 15. ADE also utilizes the AIMS examination data as a tool to provide
4 feedback regarding school improvement. For example, AIMS data is used
5 to identify and assist underperforming and failing schools.

6 16. ADE provides schools classified as underperforming pursuant to A.R.S. §
7 15-241 with special remediation and advice on strategies for improvement.

8 17. ADE provides more aggressive remediation for schools classified as
9 failing to meet academic standards pursuant to A.R.S. § 15-241.

10 18. This process of assisting and, if necessary, intervening in a school's
11 administration and instruction is governed by Arizona Learns Process in
12 accordance with A.R.S. § 15-241.

13 **The Arizona Learns Process**

14 19. Arizona Learns is a comprehensive system of school improvement with
15 the objective of greater student achievement. A.R.S. § 15-241. Arizona
16 Learns provides accountability through accurate school achievement
17 profiles and early intervention to assist underperforming or failing schools.

18 20. In accordance with Arizona Learns, a school that is designated as
19 underperforming for the first year is required to complete an Arizona
20 School Improvement Plan ("ASIP" or "improvement plan") to identify
21 areas of improvement. A.R.S. § 15-241(K).

22 21. A school is encouraged to revise its ASIP for every succeeding year it is
23 labeled underperforming or failing to meeting Arizona's academic
24 standards.
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- 1 22. ADE provides a number of resources to assist underperforming and failing
2 schools. ADE provides underperforming schools with the guidance of
3 ASSIST Coaches to aid the schools in implementing their ASIPs.
- 4 23. ADE also assigns Solutions Teams comprised of master teachers,
5 principals, superintendents, fiscal analysts, assistant superintendents,
6 and/or curriculum assessment experts to underperforming schools to
7 assess the need for changes to the school's instruction, leadership,
8 curriculum, classroom and school assessments, practices, professional
9 development and resource allocation. The school's principal, the school
10 district's superintendent and the school community receive the Solution
11 Team's findings.
- 12 24. In addition to the assistance provided by ADE, parents of students
13 attending an underperforming or failing school are eligible to request
14 tutoring through the failing schools tutoring fund. A.R.S. § 15-241(R).
- 15 25. Schools that are underperforming for a third consecutive year are labeled
16 as "failing to meet academic standards." A.R.S. § 15-241(O).
- 17 26. Once a school is designated as "failing to meet academic standards," the
18 school district must provide written notification of the school's failing
19 label and an explanation of the improvement plan process to each
20 residence in the attendance area of the school. A.R.S. § 15-241(P).
- 21 27. The school district in which a failing school is located is required to
22 evaluate needed changes to the existing improvement plan, consider the
23 recommendations of the Solutions Team and present those findings at a
24 public meeting at each failing school.
- 25 28. ADE also conducts an additional site visit at the failing school to
26 determine whether the school failed to properly implement its school

1 improvement plan, align the curriculum with academic standards, provide
2 teacher training, prioritize the budget or implement other proven strategies
3 to improve academic performance. A.R.S. § 15-241(V).

- 4 29. ADE's School Improvement and Intervention Unit conducts the site visit
5 and evaluation and provides the evidence gathered to the Team
6 Intervention Planning Committee. This committee, called a TIP Team,
7 determines the interventions based on the evidence.
8 30. The TIP Team uses a "prescriptive continuum for intervention matrix,"
9 (the "Matrix") to evaluate the failing schools. The Matrix contains desired
10 outcomes with exit indicators that are based on the elements contained in
11 A.R.S. § 15-241(V).
12 31. ADE gathers the evidence through interviews with and observations of
13 district level administration, site administration, faculty, support staff,
14 parents and students.

15 IV. MATTERS ASSERTED

16 The District Meets the Elements of A.R.S. § 15-107

- 17 32. The District meets the criteria established in A.R.S. § 15-107(A) and (B).
18 33. The District has six or more schools as required by A.R.S. § 15-107(A).
19 Specifically, the District consists of 21 schools.
20 34. Pursuant to A.R.S. § 15-107(A), more than fifty percent of the schools
21 within the District are designated as underperforming or failing to meet
22 Arizona's academic standards pursuant to A.R.S. § 15-241, and at least
23 one school in the District has been designated as failing to meet Arizona's
24 academic standards pursuant to A.R.S. § 15-241.
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- 1 35. Eleven out of 21 schools within the District are currently designated as
2 underperforming or failing to meet Arizona's academic standards pursuant
3 to A.R.S. § 15-241.
- 4 36. As of October 2007, the following schools received designations as
5 underperforming pursuant to A.R.S. § 15-241: Bernard Black Elementary
6 School, C.O. Greenfield School, Ignacio Conchos School, Percy L. Julian
7 School, Rose Linda School, V.H. Lassen Elementary School, and Valley
8 View School.
- 9 37. As of October 2007, the following schools received designations as failing
10 to meet Arizona academic standards pursuant to A.R.S. § 15-241:
11 Benjamin Brooks Academy, Cesar E. Chavez Community School, Sierra
12 Vista Elementary School and T.G. Barr Elementary School.
- 13 38. The District has systemic educational mismanagement as defined in
14 A.R.S. §§ 15-107(B) and (M) because it failed to ensure that a school or
15 schools in the District properly implemented their school improvement
16 plan or plans as required by A.R.S. § 15-241.

17 **The District Failed to Ensure Proper Implementation of Arizona**
18 **School Improvement Plans**

- 19 39. On March 14, 2008, the Board approved an Intergovernmental Agreement
20 ("IGA") between the Board and the District pertaining to the District's
21 failing schools Benjamin Brooks Academy, Cesar E. Chavez Community
22 School, Sierra Vista Elementary School, and T.G. Barr School. The
23 District's governing board approved the IGA, and District representatives
24 signed it. The IGA indicates that the schools failed to implement their
25 ASIPs.
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- 1 40. Intergovernmental Agreement Exhibit "A" pertaining to Benjamin Brooks
2 Academy indicates that the school failed to implement its ASIP.
3 Intergovernmental Agreement Exhibit "A" pertaining to Cesar E. Chavez
4 Community School indicates that the school failed to implement its ASIP.
5 Intergovernmental Agreement Exhibit "A" pertaining to Sierra Vista
6 Elementary School indicates that the school failed to implement its ASIP.
7 Intergovernmental Agreement Exhibit "A" pertaining to T.G. Barr School
8 indicates that the school failed to implement its ASIP.
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- 10 41. Pursuant to the terms of the IGA, the District agreed to implement the
11 policies, procedures, interventions, guidelines, strategies and other
12 remedies listed in the documents attached to the IGA as Exhibits "A" for
13 each failing school. The Exhibits "A" for each failing school identified
14 specific areas the schools needed to address in order to properly
15 implement their ASIPs.
- 16 42. Pursuant to A.R.S. § 15-241(V), the schools are required to properly
17 implement their ASIPS.
- 18 43. ADE conducted evaluations at Benjamin Brooks Academy, Cesar E.
19 Chavez Community School, Sierra Vista Elementary School, and T.G.
20 Barr School on November 26, 27, and 28, 2007, to determine, in part,
21 whether the schools had failed to properly implement their ASIPs.
- 22 44. Information gathered from the school and district evaluations indicated
23 that the four failing schools failed to fully and properly implement their
24 ASIPs.
- 25 45. A paid external consultant created Brooks Academy's ASIP without any
26 effort to build internal capacity for the school's administrative team.
Although the ASIP helped to narrow the focus on areas of need for the

1 school, it failed to provide uniform solutions or implementation, and there
2 was little follow through or support for change from Brooks Academy's
3 administration and staff.

- 4 46. A paid external consultant created Cesar Chavez's ASIP. ADE found no
5 evidence to show that the school actually implemented the ASIP. Cesar
6 Chavez's administration received no explanation regarding how to identify
7 and find solutions to improve the school's academic performance. The
8 teachers' and administrators' depth of knowledge regarding the ASIP
9 content, purpose, and influence on increasing student achievement was
10 minimal or not evident. Faculty at Cesar Chavez was not able to articulate
11 the contents of the ASIP, and support staff reported no involvement at all
12 with the ASIP.

- 13 47. Paid external consultants created Sierra Vista's ASIP without input from
14 the school's administration. The school did not fully implement its ASIP.
15 The consultants wrote the ASIP prior to the new principal's arrival. Sierra
16 Vista's principal read the ASIP and refined it last year but has only
17 minimally implemented it at the school. Sierra Vista's faculty reported
18 that the ASIP is only known to the school's administration and some staff.
19 Sierra Vista's newer faculty members are unaware of the ASIP's contents,
20 and some have never seen it.

- 21 48. T.G. Barr's teachers reported that they only saw or discussed the ASIP
22 once or twice a year and that neither the school's administration nor
23 teachers knew what the plan contained. T.G. Barr failed to follow the
24 recommendations of the Solutions Teams. T.G. Barr's teachers did not
25 have the required materials for the core reading program, Harcourt's Story
26 Town.

- 1 49. Due to the District's systemic educational mismanagement for failure to
2 ensure that schools properly implemented their ASIPs, appointment of a
3 superintendent pursuant to A.R.S. § 15-107(B) is appropriate.

4 **The District Failed to Implement Other Strategies to**
5 **Improve Academic Performance**

- 6 50. In addition to determining whether the failing schools failed to properly
7 implement their ASIPs, ADE evaluated the schools between November
8 26-28, 2007, to determine whether the schools had failed to align their
9 curriculum with academic standards, provide teacher training, prioritize
10 the budget or implement other proven strategies to improve academic
11 performance in accordance with A.R.S. § 15-241(V).

12 ***Benjamin Brooks Academy***

- 13 51. Pursuant to A.R.S. § 15-241(V), Brooks Academy is required to align its
14 curriculum with the state academic standards. At the time of the school's
15 evaluation, Brooks Academy did not have a comprehensive curriculum
16 that fully integrated the fine arts, social studies, history and science with
17 the state's academic standards.
- 18 52. District administrators reported to the TIP Team that the Brooks Academy
19 had vertical and horizontal curriculum articulated to the state academic
20 standards; however, Brooks Academy's administration was only able to
21 provide the Team with a copy of the school's curriculum with scope and
22 sequence alignment for reading, writing and mathematics.
- 23 53. In addition to the lack of documentation, the TIP Team found a strong
24 disconnect between administration and the teachers with regard to
25 implementing the state academic standards. Moreover, faculty and
26 support staff reported having an aligned curriculum on paper only and not

1 having the necessary resources, materials or tools to present the
2 curriculum, especially in science.

3 54. Pursuant to A.R.S. § 15-241(V), Brooks Academy is required to provide
4 teacher training. At the time of the school's evaluation, Brooks Academy
5 had failed to provide sufficient teacher training and professional
6 development evidence aligned to its ASIP.

7 55. The District and Brooks Academy's administration stated that they had
8 administrator and teacher training in leadership, structures in cooperative
9 learning, and reading. The District administrators also stated that the
10 District offered classes to enable teachers to become highly qualified in
11 accordance with NCLB; however, the administrators could not explain the
12 data presented to the TIP Team in support of these statements.

13 56. Pursuant to A.R.S. §15-241(V), Brooks Academy is required to prioritize
14 its budget to assist in the school's educational improvement. At the time
15 of the school's evaluation, Brooks Academy failed to prioritize its budget
16 in at least two areas. Brooks Academy was unable to show that its
17 resources are allocated to match the identified student needs outlined in
18 the ASIP or that its procurement of instructional materials and resources
19 are consistently compliant with school calendar and instructional
20 timelines.

21 57. Moreover, Brooks Academy's administrators reported not having the
22 control or the input needed to prioritize the school's budget. The faculty
23 and support staff overwhelmingly reported cut backs with less support
24 from the district than in previous years and no access to the budgets
25 process. Students also reported a sense of fewer resources than in
26 previous years, including a lack of textbooks.

1 58. Pursuant to A.R.S. § 15-241(V), Brooks Academy is required to
2 implement other proven strategies to improve academic performance. At
3 the time of the school's evaluation, Brooks Academy was unable to
4 provide support to show that it had systems and procedures in place to
5 create and maintain a safe school environment, positive climate, and
6 productive culture. Brooks Academy was unable to provide support to
7 show that families and the community are active partners in the
8 educational process to promote programs and services for all students.

9 59. The District introduced many new programs with no system of consistent
10 implementation or accountability. Incomplete programs were purchased
11 and were not fully implemented.

12 60. Brooks Academy's administration cited a need for data driven instruction
13 strategies. The Brooks Academy faculty reported a stronger programmatic
14 focus at the school in the past year, but the focus was still far from the
15 school-wide consistency necessary for a new strategy to be effective. In
16 addition, Brooks Academy's support staff reported that what is being done
17 at the school was insufficient to turn around the academic performance of
18 the school.

19 *Cesar Chavez School*

20 61. Pursuant to A.R.S. § 15-241(V), Cesar Chavez is required to align its
21 curriculum with the state academic standards. At the time of the
22 evaluation, Cesar Chavez's curriculum was not aligned to the state's
23 academic standards.

24 62. Cesar Chavez's faculty reported that some teachers followed the
25 standards-aligned curriculum; however, others did not. Cesar Chavez's
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1 faculty reported being pushed to keep moving through the curriculum
2 without time to review what students do not understand.

3 63. Pursuant to A.R.S. § 15-241(V), Cesar Chavez is required to provide
4 teacher training. At the time of the evaluation, Cesar Chavez failed to
5 provide sufficient teacher training and professional development evidence
6 aligned to their ASIP.

7 64. The TIP Team's evaluation found that the District used too many
8 assessments, and teachers are still trying to understand the process. For
9 example, Cesar Chavez's faculty is expected to master 11 strategies to
10 accomplish the ASIP goals, which resulted in professional development
11 being jumbled and very confusing. In addition, although Cesar Chavez
12 has disseminated information, its faculty reported that no real
13 implementation has occurred.

14 65. Pursuant to A.R.S. § 15-241(V), Cesar Chavez is required to prioritize its
15 budget to assist in the school's educational improvement. At the time of
16 the evaluation, Cesar Chavez failed to prioritize its budget.

17 66. Because of federal funding and desegregation money, the District receives
18 significantly more money per student than other school Districts of similar
19 size. However, the District has an inadequate infrastructure and school
20 district budgetary process to support teachers and school site
21 administrators.

22 67. Cesar Chavez's administration had little or no understanding of the school
23 budget process and its importance in supporting student achievement.

24 68. Cesar Chavez's faculty reported that many staff members spend their own
25 money to equip classroom with basic instructional materials. Moreover,
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1 parents of students at Cesar Chavez reported not having the textbooks or
2 material to complete assignments.

3 69. Pursuant to A.R.S. § 15-241(V), Cesar Chavez is required to implement
4 other proven strategies to improve academic performance. At the time of
5 the evaluation, Cesar Chavez had failed to use other proven strategies to
6 improve academic performance.

7 70. The District reported that its biggest barrier was teachers failing to
8 implement high-level instructional strategies and appropriate intervention
9 strategies. Moreover, constant turnover at Cesar Chavez created a barrier
10 to increasing student achievement.

11 71. Cesar Chavez's administration reported that the District's benchmarks did
12 not match the rigor of the AIMS test and that it is difficult to monitor
13 whether teachers are actually using these strategies with integrity.

14 72. During the site visit at Cesar Chavez, the TIP Team observed several staff
15 members who were not highly qualified in accordance with NCLB
16 providing reading instruction and intervention. Cesar Chavez's faculty
17 further reported that the school day was poorly structured for younger
18 students, and teachers did not know how to use or had not been trained in
19 some of the strategies employed at the school.

20 *Sierra Vista Elementary School*

21 73. Pursuant to A.R.S. § 15-241(V), Sierra Vista is required to align its
22 curriculum to the state academic standards. At the time of its evaluation,
23 Sierra Vista had only minimally aligned its curriculum to the state
24 academic standards.

25 74. Although an aligned curriculum with assessments had been established,
26 Sierra Vista's teachers resisted change, and no one used data to drive

1 instruction. In addition, instructional programs were purchased but not
2 fully implemented. Sierra Vista's faculty reported using reading and math
3 curriculum maps but indicated that science and social studies curriculum
4 maps had not been completed. Moreover, Sierra Vista's parents reported a
5 lack of teacher energy to create meaningful learning at the school.

6 75. Pursuant to A.R.S. § 15-241(V), Sierra Vista is required to provide
7 sufficient teacher training. At the time of the school's evaluation, Sierra
8 Vista had failed to provide sufficient teacher training and professional
9 development.

10 76. The District reported that professional development was set up at the
11 district level and designed by both the district and school level
12 administrators. However, principals did not have the training needed to
13 understand data analysis. The District viewed the principals as site
14 managers, not instructional leaders. Sierra Vista's administration reported
15 that each Friday was set aside for staff development, but the District
16 designed the professional development with little follow-up for classroom
17 teachers. According to the school's teachers, Sierra Vista's principal tried
18 to create beneficial professional development programs but received
19 resistance from the District.

20 77. Pursuant to A.R.S. § 15-241(V), Sierra Vista is required to prioritize its
21 budget to assist in the school's educational improvement. At the time of
22 the school's evaluation, Sierra Vista failed to prioritize its budget.

23 78. Sierra Vista lost a Reading First grant due to lack of implementation and
24 poor performance results. The District purchased new instructional
25 programs, but failed to implement the programs at the school. Instead of
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proper implementation of existing programs, new programs were purchased. Sierra Vista's teachers reported a lack of supplies.

79. Teachers also reported that funds were put into accelerated reading and math programs, but the programs were abandoned when the school could not use technology.
80. Pursuant to A.R.S. § 15-241(V), Sierra Vista is required to implement other proven strategies to improve academic performance. At the time of the evaluation, Sierra Vista had failed to implement other proven strategies to improve academic performance.
81. ADE reached these conclusions based upon information received from the District, school administration, teachers, staff and parents. Sierra Vista's teachers reported low morale at the school. Sierra Vista's teachers also reported that disciplinary problems were not handled properly. Sierra Vista's teachers further reported that the school's administration was working to improve instructional programs without support from the school district administration.

T.G. Barr School

82. Pursuant to A.R.S. § 15-241(V), T.G. Barr is required to align its curriculum to the state academic standards. At the time of the school's evaluation, T.G. Barr had only minimally aligned its curriculum to the state academic standards.
83. T.G. Barr's teachers reported that they did not use the District-generated curriculum maps. T.G. Barr's teachers reported that the core reading text, Story Town had not been mapped or aligned with the state academic standards.

- 1 84. Pursuant to A.R.S. § 15-241(V), T.G. Barr is required to provide teacher
2 training. At the time of the school's evaluation, T.G. Barr had not
3 provided sufficient teacher training and professional development.
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- 5 85. Although professional development opportunities were offered through the
6 District, teachers reported that those opportunities were not properly
7 utilized. T.G. Barr's teachers reported little or no follow-up regarding the
8 implementation of professional development. Several teachers at T.G.
9 Barr complained that professional development offerings did not relate to
10 their subject matter. T.G. Barr failed to utilize all of the available days for
11 professional development. T.G. Barr's administration reported a need for
12 more professional development in classroom management.
- 13 86. Pursuant to A.R.S. § 15-241(V), T.G. Barr is required to prioritize its
14 budget to assist with the school's educational improvement. At the time of
15 the school's evaluation, T.G. Barr had failed to prioritize its budget.
- 16 87. T.G. Barr's principal used most of the Title I budget, about \$170,000, for
17 before and after school tutoring. T.G. Barr reported that \$15,000 was
18 earmarked for consultants to work with students; however, consultants
19 were only identified as having worked on the ASIP. Half of the teachers
20 surveyed at T.G. Barr did not believe that money or other resources were
21 allocated for identified needs at the school.
- 22 88. Pursuant to A.R.S. § 15-241(V), T.G. Barr is required to implement other
23 proven strategies to improve academic performance. At the time of the
24 school's evaluation, T.G. Barr failed to demonstrate that it used other
25 proven strategies to improve academic performance.
- 26 89. T.G. Barr's current principal appeared to improve discipline. However,
the school continued to be plagued with discipline problems, as evidenced

1 by the increase in discipline referrals during the first quarter of the 2007-
2 2008 school year.

3 90. T.G. Barr began to use data to improve assessment, but data had not been
4 widely used in the past.

5 91. T.G. Barr rarely used 20 available laptops.

6 92. ADE observed that only a few teachers at T.G. Barr were engaged in
7 academically rigorous instruction or activity with students.

8 **The District Has a History of Poor AIMS Performance**

9 93. For the 2007-2008 school year, the District educated about 12,835
10 students, about 3,786 of whom were English Language Learners, in
11 twenty-one schools.

12 94. Schools within the District have a history of poor performance on the
13 AIMS examination.

14 95. Regarding the math portion of the AIMS exam, in 2007, only two District
15 schools placed above the state average for third-grade math. None of the
16 District's schools placed above the state average for fifth-grade math.
17 Only two of the District's schools placed above the state average for
18 eighth-grade math.

19 96. No school within the District has reached the state average for fifth-grade
20 reading on the AIMS exam over the past six years. No school within the
21 District has reached the state average for eighth-grade reading on the
22 AIMS exam over the past four years.

23 97. The District has produced similarly dismal results on the writing portion of
24 the AIMS exam. Only two schools within the District have met or
25 surpassed the state average for third-grade writing. Only one school
26 within the District placed above the state average in fifth-grade writing.

- 1 98. Only one school within the District, Cloves C. Campbell Elementary
2 School, has shown consistent reading improvement in recent years.
- 3 99. The four failing schools within the District have poor performance on the
4 AIMS reading exam in all grades tested.
- 5 100. In 2006-07, the state average on the reading portion of the AIMS exam for
6 the eighth grade was 63 percent. Brooks Academy's average was 39
7 percent, 24 percent lower than the state average. Cesar Chavez's average
8 was 39 percent, 24 percent lower than the state average. Sierra Vista
9 School's average was 38 percent, 25 percent lower than the state average.
10 T.G. Barr School's average was 22 percent, 41 percent lower than the state
11 average. The results are similarly dismal for the fifth and eighth grades.
- 12 101. ADE's State Intervention Unit found that the District's failing schools
13 have an overall lack of internal or district support for principals. The
14 failing schools have significant problems providing a caring and nurturing
15 environment of high expectations for students. The failing schools have
16 problems with the efficient use of resources and instructional time. The
17 failing schools have significant problems with ongoing professional
18 development for faculty that is connected to achievement data.
- 19 102. The District has a history of underperforming schools. The District has
20 not made Adequate Yearly Progress under No Child Left Behind since
21 2003 and is currently in corrective action, level II. In 2004, three of the
22 District's schools were underperforming or failing. In 2005, nine of the
23 District's schools were underperforming and one school was failing. In
24 2006, six of the District's schools were underperforming, four of which
25 were underperforming for a second consecutive year. In 2007, seven of
26

1 the District's schools were underperforming and four of its schools were
2 failing.

3 **The District Has a History of Poor Management of Its Schools**

- 4 103. Interviews with stakeholders and discussions amongst focus groups at the
5 District and school levels indicate that the District's governing board
6 interferes with the District's operations in a manner that is harmful. Such
7 interference has resulted in the District's superintendent being unable to
8 provide necessary discipline or leadership. Moreover, stakeholders and
9 focus groups identify such interference as a primary reason for the
10 District's poor management.
- 11 104. A District focus group indicated that there is widespread apathy among
12 administrators and a lack of and need for strong instructional leadership at
13 many of the schools and at the District level. Moreover, many
14 administrative personnel at both the school and District levels are
15 inexperienced in their positions and do not have the knowledge regarding
16 instructional strategy, resource or assessment or the effect of such
17 elements on student achievement.
- 18 105. The District is unable to focus on improving instruction despite receiving a
19 significant amount of technical assistance from ADE—more than almost
20 any other District in the state. The District has received substantial
21 support from a number of departments within ADE. Despite receiving
22 almost \$90 million in state and federal assistance, parents, teachers and
23 students report that the District failed to ensure that students had enough
24 books and classroom materials; failed to correct persistent classroom
25 management and student discipline issues exist; failed to fix inferior or
26 unhealthy school environments; engaged in excessive use of outside

1 consultants to complete work normally done at the school or district level;
2 and failed to attract and retain highly qualified teachers.

3 106. The District fails to take advantage of available resources. The District
4 failed to support ADE's Professional Development Learning Academy
5 causing the state to withdraw the District from the program. Moreover,
6 the District had poor participation in ADE's Best Practices Academies,
7 which covered topics pertinent to underperforming schools. During the
8 2006-2007 school year, Best Practices waivers would have enabled more
9 than 70 staff members from the District's underperforming schools to
10 attend the academies free of charge. The District sent only 8 staff
11 members to the academies.

12 107. In 2007, the District received more than \$1.3 million in Title II federal
13 funds to attract and retain highly qualified teachers. Despite this
14 additional funding, the District continues to demonstrate an inability to
15 attract and retain highly qualified teachers and lacks a positive and
16 supportive working environment and competitive salaries. During 2007,
17 the District requested 72 Emergency Teaching certificates and 71
18 Teaching Intern Certificates for Teach for America teachers.

19 108. The District received more than \$2.2 million in federal funds through the
20 Individuals with Disabilities Education Act ("IDEA"). The District was
21 found to be in only partial compliance with IDEA during its November
22 2005 audit. The District had difficulty in tracking paperwork from one
23 campus to another; vision and hearing screenings were not done at
24 appropriate times; and staff needed training on the development of
25 behavior plans.
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109. The District received a Reading First grant during FY 2003-08 of more than \$5 million. However, eight out of nine of the District's Reading First schools were terminated from the program for cause, and the District lost approximately \$1million it could have received from the program. Reading First personnel found that The District lacked a serious vision, leadership and clear action plan. The Reading First personnel also found that the District lacked accountability from the District to the classroom teacher.
110. The District received more than \$8 million in Title I federal funds in Fiscal Year 2007. The District relied on a consultant to clean up Title I non-compliance issues identified during the 2006-07 school year. ADE is concerned about the District's ability to maintain compliance with Title I guidelines in the future.
111. The District received and has been allocated almost \$500,000 in Title IV-Safe School funds for FY 2007 and FY 2008. All funding continues to be contracted out to vendors despite ADE's recommendation to allocate some funds for an in-house position that would be responsible for the grant and school safety activities. The District provides poor oversight of the program and failed to meet the requirements for administrator training. In 2007, Maricopa County Juvenile Probation Department removed its probation officer from the District.
112. The Auditor General's Office identified several areas of the District's noncompliance with the Uniform System of Financial Records ("USFR") in its October 31, 2006, compliance report. The District received 90 days to implement the recommendations in the Auditor General's report. The Auditor General conducted a status review of the District's internal

controls as of May 3, 2007. The status review indicated that the District remained in noncompliance with the USFR. On January 28, 2008, the Board withheld three percent of state funds from the District for its noncompliance with the USFR.

113. ADE has received complaints from a number of the District's stakeholders. The complaints include: an inferior and unhealthy working environment; the lack of a secure environment for special education materials and records; and the desire to place children in neighboring districts with performing schools.

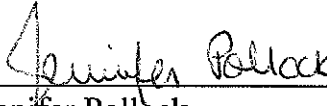
114. The District's long history of poor performance and management of its schools compels ADE to conclude that the District cannot improve or sustain pupil achievement at its schools.

V. REQUEST FOR RELIEF

Therefore, based upon the foregoing, the Superintendent of Public Instruction and the Arizona Department of Education respectfully request that the State Board of Education find that the Roosevelt Elementary School District has systemic educational mismanagement and appoint a superintendent in accordance with A.R.S. § 15-107(B).

DATED this 23 day of May, 2008.

TERRY GODDARD
Arizona Attorney General



Jennifer Pollock
Assistant Attorney General

ORIGINAL filed on May 23, 2008,
with:

1 The State Board of Education
2 Attention: Vince Yanez
3 1535 W. Jefferson
4 Phoenix, AZ 85007

5 **COPIES** delivered and sent by regular
6 mail on May 23, 2008, to:

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